

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.16546 of 2007

R.Rajagopalan

..Petitioner

Vs

1.The Special Commissioner of
Survey and Settlement,
Chepauk, Chennai - 5.

2.The Additional Director of
Survey and Land Records,
Chepauk, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus to call for the records of the first respondent in Pro.Na.Ka.No.20248/2003/LS dated 01.01.2004, quash the same and issue directions to the respondents include the name of the applicant in the panel of Deputy Inspectors of Survey for the year 1986 and in the panel of Inspector of Survey for the year 1991 by placing him at appropriate place and to give retrospective effect to the promotion of the applicant as such from the date of promotion of his immediate junior with all consequential benefits including promotion as Assistant Director of Survey.

For Petitioner : Mr.P.Kumaravel
for Mr.M.Ravi

For Respondents : Mr.K.Magesh
Special Government Pleader

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O R D E R

This petition was originally filed before the Administrative Tribunal. Subsequently, it was abolished and hence, the petition was transferred to the Writ Court and renumbered as W.P.No.16546 of 2007.

2.The relief sought for in this writ petition is to issue a writ of certiorarified mandamus to quash the proceedings of the first respondent dated 01.01.2004 and consequently, direct the respondents to include the name of

the petitioner in the panel of Deputy Inspectors of Survey for the year 1986 and in the panel of Inspector of Survey for the year 1991 by placing him at appropriate place and to give retrospective effect to the promotion of the applicant as such from the date of promotion of his immediate junior with all consequential benefits including promotion as Assistant Director of Survey.

3.1 The main contention of the petitioner is that the petitioner and his immediate junior R.C.Mariyadoss, were joined as Field Surveyor in the Survey and Land Records Department from 1965 and their service was regularised on 01.10.1966. Subsequently, the petitioner was promoted as a Sub Inspector of Survey on 17.12.1982. The petitioner passed the Head Surveyor's and Sub Assistant's tests for promotion to the post of Deputy Inspector of Survey and Land Records in the month of November 1982 and his name was included in the panel of Deputy Inspector of Survey in Sl.No.19/1990. As per the revised seniority, the petitioner's name was included in Sl.No.8B/1987 and promoted as a Deputy Inspector of Survey on 11.02.1991. Further, the petitioner passed the Account Test for Executive Officer for promotion to the post of Inspector of Survey and Land Records in the month of May, 1983 and his name was included in the panel in Sl.No.11/1998. As per the revised seniority his name was included in Sl.No.25(B)/1992 and promoted as a Inspector of Survey on 09.02.2000. Thereafter, he retired from service after attaining the age of superannuation on 29.02.2004.

3.2 Whereas, the petitioner's immediate junior R.C.Mariyadoss was promoted as a Sub Inspector of Survey on 10.03.1983. He had passed the Head Surveyor's and Sub Assistant's tests for promotion to the post of Deputy Inspector of Survey and Land Records in the month of May 1972 and his name was included in the panel of Deputy Inspector of Survey in Sl.No.211(A)/1982 and promoted as a Deputy Inspector of Survey and Land Records on 16.03.1988. Further, R.C.Mariyadoss passed the Account Test for Executive Officer for promotion to Inspector of Survey and Land Records in the month of May, 1981 and his name was included in the panel in Sl.No.62A/1989 and promoted as Inspector of Survey and Land Records on 04.06.1992. Thereafter, promoted as Assistant Director of Survey and Land Records on 10.08.1995 and retired from service after attaining the age of superannuation on 31.07.2003.

4. The learned counsel for the petitioner submitted that as per the seniority in the post of Sub Inspector of Survey, R.C.Mariyadoss is junior to the petitioner. Therefore, petitioner's name should be placed above his immediate junior and pay all consequential benefits to the petitioner.

5. The learned Special Government Pleader for the respondents submitted that both the petitioner and R.C.Mariyadoss were working in different Districts viz., Tiruvarur and Vellore Districts. As per the District seniority R.C.Mariyadoss was promoted as Sub Inspector of Survey in Vellore District on 21.04.1982, subsequently, for want of vacancy he was reverted back and thereafter, he was promoted as Sub Inspector of Survey in Vellore District on 10.03.1983 and his service was regularised in the said post with effect from 21.04.1982. Therefore, the petitioner cannot be equated with R.C.Mariyadoss. He further submitted that the promotions were made only based on the District seniority and not on the State wide seniority.

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and also perused the original service registers of the petitioner and R.C.Mariyadoss.

7. On a careful perusal of the Service Registers of the petitioner and his junior, it would reveal that R.C.Mariyadoss passed the Head Surveyor's and Sub Assistant's tests for promotion to the post of Deputy Inspector of Survey and Land Records in the month of May 1972 and his name was included in the panel in the year 1982 and promoted as Deputy Inspector of Survey on 16.03.1988. Whereas, the petitioner was promoted as Deputy Inspector of Survey only on 11.02.1991. Further, R.C.Mariyadoss passed the Account Test for Executive Officer for promotion to the post of Inspector of Survey and Land Records in the month of May 1981 and his name was included in the panel in the year 1989 itself. Whereas, the petitioner passed the said test in the month of May 1983 and his name was included in the panel in the year 1998. As per the seniority maintained in the Districts, R.C.Mariyadoss got promotion as Inspector of Survey and Land Records on 04.06.1992, whereas, the petitioner got promotion only on 09.02.2000. Subsequently, R.C.Mariyadoss promoted as Assistant Director of Survey and Land Records on 10.08.1995. Therefore, as per the District Seniority, R.C.Mariyadoss got promotion earlier than the petitioner. Hence, the petitioner cannot be equated with R.C.Mariyadoss.

8. As pointed out by the learned Special Government Pleader, both the petitioner and R.C.Mariyadoss were regularised in service in the category of Field Surveyor. As per the District seniority R.C.Mariyadoss got promotion in the post of Sub Inspector of Survey on 21.04.1982 itself, however, he was reverted back to the post for want of vacancy, subsequently, his promotion in the said post was regularised with effect from 21.04.1982. As per the District seniority R.C.Mariyadoss got promotions earlier than the petitioner.

9. In the light of the above submissions and on a careful perusal of the records and service register of the petitioner and R.C.Mariyadoss, the contention of the petitioner is not sustainable and this Court is of the considered opinion that there is no merit in this writ petition. Hence, this writ petition fails and the same is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

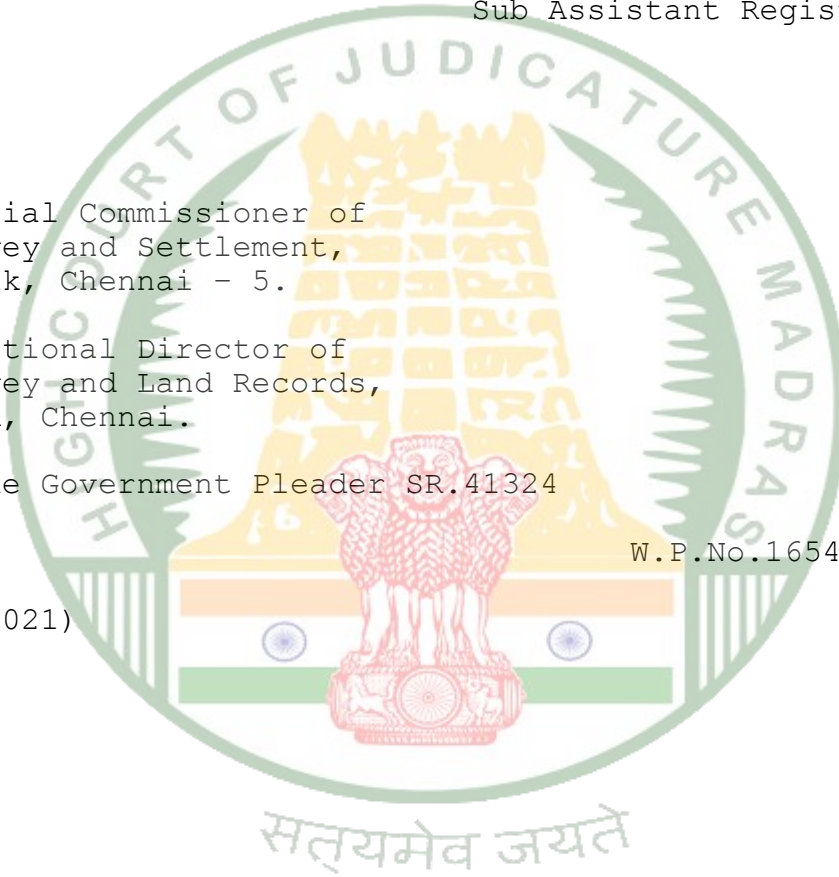
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+1cc to the Government Pleader SR.41324

W.P.No.16546 of 2007

SR II(CO)
CB(19/01/2021)



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